



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

CORPORATE

May 17, 2005

In reply refer to: KDP-7

Mosler, Shermer, Wallstrom, Jacobs & Sieler
Mr. Paul Wallstrom
600 University Street
One Union Square
Suite 2701
Seattle, WA 98101-1176
(206) 624-7600

RE: FOIA 05-040

Dear Mr. Wallstrom:

This letter responds to your Freedom of Information Act request dated April 27, 2005, and logged in as request #05-040.

Enclosed in their entirety are documents responsive to your request.

If you are dissatisfied with this determination, you may make an appeal within thirty (30) days of receipt of this letter to: Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal".

In your original letter you agreed to pay fees to fulfill your request. Costs to complete your request totaled \$46.10 for search, review and copy. You will be billed for this amount under separate cover by our accounting department.

Sincerely,

Annie Eissler
Freedom of Information Officer

(30 FR 12319). Contractor disputes related to compliance with its obligations shall be handled according to the rules, regulations, and relevant orders of the Secretary of Labor (See° 41 CFR 60-1.1).

- (2) For nondiscrimination based on Disabled or Vietnam Veterans this includes, but is not limited to, the Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended (38 U.S.C. 4012)(the Act); Executive Order 11701, January 24, 1973 (38 CFR 2675, January 29, 1973); and the regulations of the Secretary of Labor (41 CFR Part 60-250).
 - (3) For nondiscrimination based on the Handicapped this includes, but is not limited to, Section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793)(the Act); Executive Order° 11758, January 15, 1974; and the regulations of the Secretary of Labor (41 FR Part 60-741).
 - (4) For nondiscrimination based on Age this includes, but is not limited to, Executive Order 11141, February 12, 1964 (29 CFR 2477).
- (b) The Contractor shall include the terms of this clause in every subcontract or purchase order exceeding \$50,000 and shall act as specified by the Department of Labor to enforce the terms and implement remedies.

DAVIS-BACON ACT (10-7)
(SEP 98)(BPI 10.4.4)

- (a) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (d) of this clause; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period are deemed to be constructively made or incurred during such period. Such laborers and mechanics shall be paid not less than the appropriate wage rate and fringe benefits in the wage determination for the classification of work actually performed, without regard to skill, except as provided in the clause entitled "Apprentices, Trainees, and Helpers." Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein; provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph (b) of this clause) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the Contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.
- (b) Additional wage classifications.
- (1) The CO shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The CO shall approve an additional classification, and wage rate and fringe benefits therefor, only when all the following criteria have been met:

- (A) Except with respect to helpers as defined in 29 CFR 5.2(n)(4), the work to be performed by the classification requested is not performed by a classification in the wage determination.
 - (B) The classification is utilized in the area by the construction industry.
 - (C) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.
 - (D) With respect to helpers, such classification prevails in the area in which the work is performed.
- (2) If the Contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the CO agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the CO to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator or an authorized representative will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the CO or will notify the CO within the 30-day period that additional time is necessary.
 - (3) In the event the Contractor, the laborers or mechanics to be employed in the classification, or their representatives, and the CO do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the CO shall refer the questions, including the views of all interested parties and the recommendation of the CO, to the Administrator of the Wage and Hour Division for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the CO or will notify the CO within the 30-day period that additional time is necessary.
 - (4) The wage rate (including fringe benefits, where appropriate) determined pursuant to subparagraphs (b)(2) or (b)(3) of this clause shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification. Pending approval of the wage rate classification by the Wage and Hour Division per (b)(2) or (b)(3), the CO may unilaterally modify the contract to incorporate wage rates for interim use, as determined by the CO pursuant to (b)(1) of this clause. Whenever payment of such interim wage rate is made as prescribed by the CO pursuant to (b)(1), and the paid wage rate materially differs from the wage rate approved by the Wage and Hour Division pursuant to subparagraphs (b)(2) or (b)(3) of this clause, the CO shall make an equitable adjustment (upward or downward) in the contract price. The amount of the adjustment shall be the difference between the sum of interim wage rate paid and the wage rate approved by the Wage and Hour Division.
- (c) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the Contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.
 - (d) If the Contractor does not make payments to a trustee or other third person, the Contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program; provided that the Secretary of Labor has found, upon the written request of the Contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the Contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.
 - (e) The Contractor shall comply with the requirements of the Copeland ("Anti-Kickback") Act, as amended, (18 U.S.C. 874 and 40 U.S.C. 276c) and its implementing regulations (29 CFR Part 3), which require

reasonable procedures in place to prevent and detect unlawful practices to induce or intimidate employees to accept lessor compensation than they are entitled to under a contract of employment.

- (f) Disputes concerning labor standards. The U.S. Department of Labor has set forth in 29 CFR Parts 5, 6, and 7 procedures for resolving disputes concerning labor standards requirements. Such disputes shall be resolved in accordance with those procedures and not the Disputes clause of this contract. Disputes within the meaning of this clause include disputes between the Contractor (or any of its subcontractors) and the contracting agency, the U. S. Department of Labor, or the employees or their representatives.

WITHHOLDING -- LABOR VIOLATIONS (10-8)
(OCT 93)(BPI 10.4.4)

The CO may withhold, or cause to be withheld, from the Contractor under this contract, or any other Federal contract with the same Prime Contractor, as much of the otherwise due payments, advances, or guarantee of funds, as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the Contractor or any subcontractor the full amount of wages and fringe benefits required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed, or working on the site of the work, all or part of the wages required by the contract, the CO may, after written notice to the Contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

PAYROLLS AND BASIC RECORDS (10-9)
(OCT 93)(BPI 10.4.4)

- (a) Payrolls and basic records relating thereto shall be maintained by the Contractor during the course of the work and preserved for a period of 3 years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under paragraph (d) of the clause entitled "Davis-Bacon Act" that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.
- (b) (1) Submission of payroll records to the CO is not required under this contract unless specifically requested by the CO. Providing the payrolls, when requested, shall be prompt, and shall not be considered a change to the contract. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under paragraph (a) of this clause for the periods identified by the CO. This information may be submitted in any form desired. Optional Form WH-347 (Federal Stock Number 029-005-00014-1) is available for this purpose and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The Prime Contractor is responsible for the submission of copies of payrolls by all subcontractors.

CARPENTERS AND DRYWALL APPLICATORS	20.72	7.82
CARPENTERS ON CREOSOTED MATERIAL	20.82	7.82
INSULATION APPLICATORS	20.72	7.82
SAWFILERS, STATIONARY POWER S37		
OPERATORS, FLOOR FINISHER,		
FLOOR LAYER, SHINGLERS, FLOOR		
SANDER OPERATORS	20.85	7.82
MILLWRIGHT AND MACHINE ERECTORS	28.95	7.82
PILEDRIIVER, DRIVING, PULLING,		
CUTTING, PLACING COLLARS,		
SETTING, WELDING OR CRESOTE		
TREATED MATERIAL, ALL PILING	28.15	7.82
PILEDRIIVER, BRIDGE DOCK AND		
WHARF CARPENTERS	27.95	7.82
DIVERS	68.97	8.05
DIVERS TENDER	30.68	8.05

ELEC0046A 12/30/2002

	Rates	Fringes
CALLAM, JEFFERSON, KING AND KITSAP COUNTIES		
ELECTRICIANS	34.25	3%+9.55
CABLE SPLICERS	37.68	3%+9.55

ELEC0048C 01/01/2003

	Rates	Fringes
CLARK, KLICKITAT AND SKAMANIA COUNTIES		
ELECTRICIANS	31.00	3%+11.83
CABLE SPLICERS	31.25	3%+11.83

ELEC0073A 01/01/2003

	Rates	Fringes
ADAMS, FERRY, LINCOLN, PEND OREILLE, SPOKANE, STEVENS, WHITMAN COUNTIES		
ELECTRICIANS	24.07	3%+10.63
CABLE SPLICERS	24.47	3%+10.63

ELEC0076B 07/01/2002

	Rates	Fringes
GRAYS HARBOR, LEWIS, MASON, PACIFIC, PIERCE, AND THURSTON COUNTIES		
ELECTRICIANS	29.78	3%+11.01
CABLE SPLICERS	32.76	3%+11.01

ELEC0077C 02/01/2003

	Rates	Fringes
LINE CONSTRUCTION:		
CABLE SPLICERS	37.95	3.875%+7.45

LINEMEN, POLE SPRAYERS,		
HEAVY LINE EQUIPMENT MAN	33.88	3.875%+7.45
LINE EQUIPMENT MEN	29.14	3.875%+5.70
POWDERMEN, JACKHAMMERMEN	25.41	3.875%+5.70
GROUNDMEN	23.72	3.875%+5.70
TREE TRIMMER	23.81	3.875%+5.70

ELEC0112E 06/01/2002

	Rates	Fringes
ASOTIN, BENTON, COLUMBIA, FRANKLIN, GARFIELD, KITTITAS, WALLA WALLA, YAKIMA COUNTIES		
ELECTRICIANS	28.75	3%+9.63
CABLE SPLICERS	30.19	3%+9.63

ELEC0191C 08/31/2002

	Rates	Fringes
ISLAND, SAN JUAN, SNOHOMISH, SKAGIT AND WHATCOM COUNTIES		
ELECTRICIANS	30.66	3%+9.33
CABLE SPLICERS	33.72	3%+9.33

ELEC0191D 12/01/2002

	Rates	Fringes
CHELAN, DOUGLAS, GRANT AND OKANOGAN COUNTIES		
ELECTRICIANS	26.66	3%+9.28
CABLE SPLICERS	29.33	3%+9.28

ELEC0970A 01/01/2003

	Rates	Fringes
COWLITZ AND WAHAKIAKUM COUNTIES		
ELECTRICIANS	28.55	3%+9.25
CABLE SPLICERS	31.41	3%+9.25

ENGI0302E 06/01/2002

	Rates	Fringes
CHELAN (WEST OF THE 120TH MERIDIAN), CLALLAM, DOUGLAS (WEST OF THE 120TH MERIDIAN), GRAYS HARBOR, ISLAND, JEFFERSON, KING, KITSAP, KITTITAS, MASON, OKANOGAN (WEST OF THE 120TH MERIDIAN), SAN JUAN, SKAGIT, SNOHOMISH, WHATCOM AND YAKIMA (WEST OF THE 120TH MERIDIAN) COUNTIES		

PROJECTS

CATEGORY A PROJECTS (excludes Category B projects, as show
below)

POWER EQUIPMENT OPERATORS:

Zone 1 (0-25 radius miles):

GROUP 1AAA	31.14	8.40
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